

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-262053	06/23/2020

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer Corry Fabrication		b. Tel. No. 814-665-8221 c. Cell No.
d. Address (<i>street, city, state, and ZIP code</i>) 21 Maple Ave. Corry, PA 16407	e. Employer Representative (b) (6), (b) (7)(C)	f. Fax No. 814-664-9571 g. E-Mail (b) (6), (b) (7)(C) h. Number of workers employed 20
i. Type of Establishment (<i>factory, mine, wholesaler, etc.</i>) Factory	j. Identify principal product or service Sheet Metal Fabrication	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of Section 8(a), subsections (1) and (list subsections) (3), and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (<i>set forth a clear and concise statement of the facts constituting the alleged unfair labor practices</i>) Since about June 3, 2020, the Employer has restrained and coerced employees in the exercise of rights protected by the Act by threatening employees. Since about June 19, 2020, the Employer has refused to hire employees because they were represented by the Union in order to avoid a bargaining obligation. Since about June 22, 2020, the Employer has refused to bargain with the representative of unit employees.		
3. Full name of party filing charge (<i>if labor organization, give full name, including local name and number</i>) United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO/CLC		
4a. Address (<i>street and number, city, state and ZIP code</i>) 60 Boulevard of the Allies, 8 th Floor Pittsburgh, PA 15222	4b. Tel. No. 412-562-2548 4c. Cell No. 4d. Fax No. 412-562-2574 4e. E-Mail: nkilbert@usw.org	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (<i>to be filled in when charge is filed by a labor organization</i>). United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO/CLC		
6. DECLARATION		
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
By <u>/s/Nathan Kilbert</u> (signature of representative or person making charge) Address: Same as above	Nathan Kilbert, Assistant General Counsel (Print/type name and title or office, if any) Date: June 23, 2020	Tel. No. 412-562-2548 Office, if any, Cell No. Fax No. 412-562-2574 E-Mail nkilbert@usw.org

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 6
1000 Liberty Ave Rm 904
Pittsburgh, PA 15222-4111

Agency Website: www.nlr.gov
Telephone: (412)395-4400
Fax: (412)395-5986



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June 23, 2020

Nathan Kilbert, Assistant General Counsel
United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial
and Service Workers International Union,
AFL-CIO/CLC
60 Boulevard of the Allies, 8th Floor
Pittsburgh, PA 15222

Re: Corry Fabrication
Case 06-CA-262053

Dear Mr. Kilbert:

The charge that you filed in this case on June 23, 2020 has been docketed as case number 06-CA-262053. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney CLIFFORD E. SPUNGEN whose telephone number is (412)690-7120. If this Board agent is not available, you may contact Supervisory LMR Examiner JANET L. SCHAEFER whose telephone number is (412)690-7114.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Nancy Wilson". The signature is fluid and cursive, with the first name "Nancy" and last name "Wilson" clearly distinguishable.

NANCY WILSON
Regional Director

Copy of charge only sent to:

David R Jury, General Counsel
United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial
and Service Workers International Union,
AFL-CIO/CLC
60 Boulevard of the Allies
Room 807
Pittsburgh, PA 15222



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June 23, 2020

(b) (6), (b) (7)(C)

Corry Fabrication
21 Maple Ave
Corry, PA 16407

Re: Corry Fabrication
Case 06-CA-262053

Dear (b) (6), (b) (7)(C)

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Nancy Wilson", is written over a light gray circular background.

NANCY WILSON
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

06-CA-262053

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CORRY FABRICATION

Charged Party

and

**UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION, AFL-
CIO/CLC**

Charging Party

Case 06-CA-262053

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, Hannah Ghrist the undersigned employee of the National Labor Relations Board, state under oath that on June 23, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Corry Fabrication
21 Maple Ave
Corry, PA 16407

June 23, 2020

Date

Hannah Ghrist, Designated Agent of
NLRB

Name

/s/Hannah Ghrist

Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**FIRST AMENDED CHARGE AGAINST EMPLOYER****INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
06-CA-262053	3/17/2021

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Corry Fabrication, LLC		b. Tel. No. (814)665-8221
		c. Cell No.
d. Address (street, city, state ZIP code) 21 Maple Ave, Corry, PA 16407	e. Employer Representative (b) (6), (b) (7)(C)	f. Fax No. (814)664-9571
		g. e-Mail (b) (6), (b) (7)(C)
		h. Dispute Location (City and State) Corry, PA
i. Type of Establishment (factory, nursing home, hotel) Factory	j. Principal Product or Service Sheet Metal Fabrication	k. Number of workers at dispute location 35

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about June 22, 2020, the Employer has failed and refused to recognize and bargain in good faith with United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO/CLC (Union) as the exclusive collective-bargaining representative of its employees in the bargaining unit located at 21 Maple Avenue, Corry, Pennsylvania.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO/CLC

4a. Address (street and number, city, state, and ZIP code) 60 Boulevard of the Allies, 8th Floor, Pittsburgh, PA 15222	4b. Tel. No. (412)562-2548
	4c. Cell No.
	4d. Fax No. (412)562-2574
	4e. e-Mail nkilbert@usw.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (412)562-2548
By: <i>s/ Nathan Kilbert</i>	Nathan Kilbert Assistant General Counsel	Office, if any, Cell No.
(signature of representative or person making charge)	Print Name and Title	
Address: 60 Boulevard of the Allies, 8th Floor, Pittsburgh, PA 15222	Date: 3-17-2021	Fax No. (412)562-2574
		e-Mail nkilbert@usw.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

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UNITED STATES GOVERNMENT
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March 17, 2021

Nathan Kilbert, Assistant General Counsel
United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial
and Service Workers International Union,
AFL-CIO/CLC
60 Boulevard of the Allies, 8th Floor
Pittsburgh, PA 15222

Re: Corry Fabrication, LLC
Case 06-CA-262053

Dear Mr. Kilbert:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney CLIFFORD E. SPUNGEN whose telephone number is (412)690-7120. If the agent is not available, you may contact Supervisory LMR Examiner JANET L. SCHAEFER whose telephone number is (412)690-7114.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

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NANCY WILSON
Regional Director

Copy of charge only sent to:

David R. Jury, General Counsel
USW
60 Blvd of the Allies, Room 807
Pittsburgh, PA 15222

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March 17, 2021

(b) (6), (b) (7)(C)

Corry Fabrication, LLC
21 Maple Ave.
Corry, PA 16407

Re: Corry Fabrication, LLC
Case 06-CA-262053

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Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

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NANCY WILSON
Regional Director

Enclosure: Copy of first amended charge

cc: Lauren Emery, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004-2541

Philip A. Miscimarra, Esq.
Morgan Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004-2541

heg

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CORRY FABRICATION, LLC

Charged Party

and

**UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY, ALLIED
INDUSTRIAL AND SERVICE WORKERS
INTERNATIONAL UNION, AFL-CIO/CLC**

Charging Party

Case 06-CA-262053

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, Hannah Ghrist, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on March 17, 2021, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Corry Fabrication, LLC
21 Maple Ave.
Corry, PA 16407

Lauren Emery, Esq.
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Ave., NW
Washington, DC 20004-2541

Philip A. Miscimarra, Esq.
Morgan Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004-2541

March 17, 2021

Date

Hannah Ghrist, Designated Agent of NLRB

Name

/s/ Hannah Ghrist

Signature

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("Agreement") is entered into, as of April 26, 2021, by and between Corry Fabrication, LLC ("Company") and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC ("Union") on behalf of its Local Union 7312-01 ("Local 7312"). The Union and Local 7312 are referred to below as the "Steelworkers," and the Company and the Steelworkers are referred to below as the "Parties."

The Parties hereby fully and finally resolve and agree to the discontinuation of all claims encompassed by Case No. 06-CA-262053 filed with the National Labor Relations Board ("NLRB") based on the following mutually agreed upon terms and conditions:

1. **Withdrawal of Charge and Effective Date.** The Union agrees to request withdrawal of NLRB Case No. 06-CA-262053 no later than Friday, April 23, 2021. The Parties agree this Agreement shall be effective on the date ("Effective Date") that both parties or their counsel have received written notice that the NLRB (through its Acting General Counsel or the Regional Director for NLRB Region 6, on behalf of the Acting General Counsel) has given final approval to the Union's request for withdrawal. In the absence of receiving such written notice by May 1, 2021, this Agreement shall be given no force or effect.

2. **Waiver/Release and Non-Admissions.** The Steelworkers knowingly and voluntarily waive and release any and all claims of any nature, kind or description against the Company (including but not limited to any and all claims under the National Labor Relations Act ("NLRA") and any and all claims under any collective bargaining agreement or other contract or understanding of any kind, and any and all claims potentially involving actions by its predecessor, Corry Contract, Inc.) arising on or before the date of this Agreement's execution. The Company enters into this Agreement without any admission that there is merit in any such claims or in NLRB Case No. 06-CA-262053 and without any admission of wrongdoing, fault or liability of any kind.

3. **Recognition and New Collective Bargaining Agreement.** As of the Effective Date, the parties enter into a collective bargaining agreement ("CBA") covering employees in the bargaining unit described below based on the following terms:

- a. **Duration.** The CBA shall commence on the Effective Date and shall expire one (1) year after the Effective Date (subject to the termination provisions in the CBA).
- b. **Bargaining Unit/Recognition.** The Company recognizes the Union as the representative of employees in a bargaining unit ("Unit") consisting of employees in Category 8 of the Corry Fabrication Workforce Chart, dated April 16, 2021 and attached hereto as Exhibit A ("Workforce Chart"), and excluding all other employees. The excluded employees encompass Building 1 Leaders/Supervisors (Workforce Chart Category 7), former Building 2 employees (Workforce Chart Category 6), and all other positions/functions (Workforce Chart Categories 1 through 5). The parties agree that references to "employee" in the CBA shall refer only to employees and

positions/functions listed in Workforce Chart Category 8, and shall exclude employees and positions/functions listed in Workforce Chart Categories 1-7.

- c. Number of Leaders/Supervisors Doing Unit Work. The total number of Leaders/Supervisors (Workforce Chart Category 7) performing bargaining unit work may not outnumber the total number of active Unit employees.
- d. Disclaimer of Future Representation. The Union specifically agrees not to seek recognition as the collective bargaining representative of employees working in the excluded groups described above.
- e. Future Hiring. All new regular full-time employees hired in positions/functions listed in Category 8 (Assembly, Machines, Stockroom, Utility and Welding) shall be Unit employees (subject to the CBA's union security provisions).
- f. Future Layoffs. If the number of active Unit employees in Category 8, including new hires placed into the Unit as described above, is less than the number of active former Building 1 employees in Category 6 doing bargaining unit work, a Unit employee may not be placed on layoff if a Category 6 employee is performing work that the Unit employee could perform (*i.e.*, if the Unit employee has the relevant qualifications and ability to perform the work). If the number of active Unit employees in Category 8, including new hires placed into the unit as described above, equals or exceeds the number of active former Building 1 employees in Category 6 doing bargaining unit work, the Company may implement layoffs among bargaining unit employees consistent with provisions of the CBA.
- g. Wages:
 - (1) CBA wage rates will be adjusted to reflect current wage rates being paid to Unit employees (this will require stating wage rates as ranges based on variation that exists among employees).
 - (2) All Unit employees will receive a \$200 lump sum (subject to standard deductions) within two weeks after the Effective Date (with the payment to be characterized as mutually agreed between the parties) and will also receive a 2% increase in base wages four months after the Effective Date.
 - (3) Non-unit employees in Workforce Chart Categories 6 and 7 may be paid the same \$200 lump sum (subject to standard deductions) referenced in subpart (2) above when the payment is made to Unit employees and may be given an increase in base wages up to 2% at any time commencing six months after the Effective Date. In the event of any increase in compensation in excess of the limits in this agreement to non-unit employees in Workforce Chart Categories 6 and 7, Unit employee compensation will be increased commensurately. This subpart (3) shall be expressed in a letter of understanding between Corry Fabrication and the

Steelworkers International Union (the text of which is attached hereto as Exhibit B) and shall not be stated in the CBA.

- (4) The restrictions stated in subpart (3) above will not apply to Workforce Chart Categories 1-5. The restrictions on wages paid to non-Unit employees in Workforce Chart Categories 6 and 7 will exist during the term of the new one-year CBA created by this Agreement, and those restrictions will exist following termination of the one-year CBA only if mutually agreed upon by the parties.
- h. Benefits. The CBA benefits will be adjusted to reflect the current benefits and/or benefit plans covering Unit employees, including the Company's current efforts to obtain more affordable medical benefits coverage. Future medical benefits coverage may be changed only to the extent such changes apply equally to Unit and non-Unit employees.
- i. Other Matters:
- (1) All other language and provisions contained in the prior collective bargaining agreement between Corry Contract, Inc. and the Union, which was effective from February 29, 2020 to February 28, 2021 ("Corry Contract CBA"), including those relating to Management Rights, Contract Labor, and Non-Bargaining Unit Employees Working, shall be retained.
- (2) The Company also agrees not to engage in discrimination on the basis of union affiliation or bargaining unit status either regarding work assignments or to reduce the number of bargaining unit employees, subject to the other provisions above.
- (3) The parties shall engage in reasonable cooperation to update any other former Corry Contract CBA provisions by mutual agreement.

United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial and
Service Workers International Union,
AFL-CIO-CLC

Corry Fabrication, LLC

Name

Name

Title

Title

Date Signed

Date Signed

[4/23/2021]

EXHIBIT A

to Corry Fabrication/Steelworkers Memorandum of Agreement

Corry Fabrication Workforce – April 16, 2021

This document and information are inadmissible and exchanged exclusive for purposes of potential settlement of litigation, and cannot be used for any other purpose, or used to request more information or for use in any proceeding of any kind

Name	Position/Function	Comments	# Individuals (Description)
Category 1 – Management			
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Formerly employed at Corry Contract Inc. (CCI) outside of the United Steelworkers (USW) unit.	3 Employees
		Formerly employed at Corry Contract Inc. (CCI) outside of the United Steelworkers (USW) unit.	
Category 2 – Administrative, Engineering and Clerical Excluded from Steelworkers Bargaining Unit			
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Formerly employed at CCI outside of USW unit	11 Employees
		Started at Corry Fab (b) (6), (b) (7)(C)	
		Function excluded from the USW unit	
		Started at Corry Fab (b) (6), (b) (7)(C)	
		Salaried; Formerly employed at CCI outside of USW unit	
		Started at Corry Fab (b) (6), (b) (7)(C)	
		Formerly employed at CCI outside of USW unit	
		Formerly employed at CCI outside of USW unit	
		Formerly employed at CCI outside of USW unit	
		Formerly employed at CCI outside of USW unit	
Category 3 – Employees/Functions Excluded from Steelworkers Bargaining Unit			
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Formerly employed at CCI outside of USW unit	3 Employees
		Formerly employed at CCI outside of USW unit	
		Formerly employed at CCI outside of USW unit	
Category 4 – Part-time Contractors Excluded from Steelworkers Bargaining Unit			
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)		3 Contractors
Category 5 – Part-time Contractors Addressing Financial or Management Issues			
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)		2 Contractors
Category 6 – Former CCI Building 2 Employees Excluded from Steelworkers Bargaining Unit			
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Formerly employed in Building 2 at CCI outside of USW unit	8 Employees
		Currently salaried; Formerly employed in Building 2 at CCI outside of USW unit	
		Now salaried; Formerly employed in Building 2 at CCI outside of USW unit	
		Now salaried; Formerly employed in Building 2 at CCI outside of USW unit	
		Formerly employed in Building 2 at CCI outside of USW unit	
		Formerly employed in Building 2 at CCI outside of USW unit	
		Salaried; Former Building 2 lead employed at CCI outside of USW unit	
		Formerly employed in Building 2 at CCI outside of USW unit	
Category 7 – Former Building 1 Leaders/Supervisors Excluded from Steelworkers Bargaining Unit			
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Formerly employed at CCI outside of USW unit	6 Leaders/Supervisors
		Formerly employed at CCI outside of USW unit	
		Formerly employed at CCI outside of USW unit	
		Formerly employed at CCI outside of USW unit	
		(b) (6), (b) (7)(C)	
		Formerly employed at CCI outside of USW unit	
Category 8 – Former/Future Building 1 Steelworkers Bargaining Unit			
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)		14 employees
		Started at Corry Fab (b) (6), (b) (7)(C)	
		Started at Corry Fab (b) (6), (b) (7)(C)	
		Started at Corry Fab (b) (6), (b) (7)(C)	
Although the above positions/functions generally describe what particular employees do, Company employees have historically worked side-by-side performing unit and non-unit work, and employees routinely perform multiple types of work depending on business needs.			

Although the above positions/functions generally describe what particular employees do, Company employees have historically worked side-by-side performing unit and non-unit work, and employees routinely perform multiple types of work depending on business needs.

EXHIBIT B

to Corry Fabrication/Steelworkers Memorandum of Agreement

This Letter of Understanding ("LOU") is entered into by and between Corry Fabrication, LLC ("Company") and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC ("Union") on behalf of its Local Union 7312-01 ("Local 7312"). The Union and Local 7312 are referred to below as the "Steelworkers," and the Company and the Steelworkers are referred to below as the "Parties."

The Parties agree that non-unit employees in Categories 6 and 7 of the Corry Fabrication Workforce Chart ("Workforce Chart"), which is attached as Exhibit A to the Memorandum of Agreement ("MOA") entered into between the Company and the Union, may be paid a \$200 lump sum (subject to standard deductions) when a \$200 payment (subject to standard deductions) is made to bargaining unit employees four months after the MOA's Effective Date pursuant to MOA paragraph 3(g)(2); and non-unit employees in Workforce Chart Categories 6 and 7 may be given an increase in base wages up to 2% at any time commencing six months after the MOA's Effective Date. In the event of any increase in compensation to non-unit employees in Workforce Chart Categories 6 and 7 in excess of the above limits, bargaining unit employee compensation will be increased commensurately.

The above restrictions will not apply to Workforce Chart Categories 1-5. The above restrictions on wages paid to non-unit employees in Workforce Chart Categories 6 and 7 will exist during the term of the new one-year collective bargaining agreement ("CBA") created by the MOA, and those restrictions will exist following termination of the new one-year CBA only if mutually agreed upon by the parties.

United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial and
Service Workers International Union,
AFL-CIO-CLC

Corry Fabrication, LLC

Name

Name

Title

Title

Date Signed

Date Signed

[4/23/2021]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 06
1000 Liberty Ave Rm 904
Pittsburgh, PA 15222-4111

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Telephone: (412)395-4400
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April 29, 2021

Lauren Emery, Esq.
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Washington, DC 20004-2541

Philip A. Miscimarra, Esq.
Morgan Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004-2541

Re: Corry Fabrication, LLC
Case 06-CA-262053

Dear Ms. Emery and Mr. Miscimarra:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Nancy Wilson

NANCY WILSON
Regional Director

cc: Nathan Kilbert, Assistant General Counsel
United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial
and Service Workers International Union,
AFL-CIO/CLC
60 Boulevard of the Allies, 8th Floor
Pittsburgh, PA 15222

(b) (6), (b) (7)(C)

Corry Fabrication, LLC
21 Maple Ave
Corry, PA 16407

hmg